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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,660	07/19/2000	Miska Hannuksela	367.38780X00	2158

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EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 06/07/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/619,660

**Applicant(s)**

HANNUKSELA, MISKA

**Examiner**

Nhon T Diep

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 5/10/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 36-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 14, 16, 17, 36-39, 44, 47-48, 51, 52 and 54 is/are allowed.
- 6) ☒ Claim(s) 7-9, 13, 15, 40, 42, 49 and 50 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 41, 43, 45-46 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9, 13, 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-9, 11, 13, 40, 42, 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Siracusa et al (US 5,317,547).

Siracusa et al discloses an apparatus for excising and reinserting specific data from a compressed video data stream to reduce its transmission bandwidth comprising the same method of video encoding comprising:

receiving a video signal to be compression encoded;

encoding data representing a first frame of said video signal to form compression encoded data; and

repeating part, but not all, of said data representing the first frame within compression encoded data subsequent to the first frame, said repeated part including the picture header data for the first frame as specified in claims 7 and 13; wherein part of the data is repeated only for frames which are encoded in an INTRA-frame manner as specified in claim 8; wherein the repeated data comprises picture header data and a first segment of picture data of the first frame or wherein repeating said data includes repeating certain fields of the picture header data of a previous frame in the picture header data of a subsequent frame (col. 6, ln. 11-17; a first segment of picture data of

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the first frame = data necessary to condition an MPEG decoder to begin decoding read in conjunction with col. 6, ln. 60-66) as specified in claims 9, 40, 49 and 50; wherein the step of repeating picture header data comprises adding the repeated picture header data to the picture header data of a subsequent frame (col. 3, ln. 48-65) as specified in claims 11 and 42.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siracusa et al.

As applied to claim 13, it is noted that Siracusa et al does not particularly disclose a wireless communications device incorporating an encoder according to claim 13. The examiner takes Official Notice a wireless communications device incorporating an encoder is well known in the art and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Siracusa et al by incorporating the encoder as specified in claim 13 into a wireless communication system. Doing so would help to transmit compressed signals of any mobile devices.

***Allowable Subject Matter***

5. Claims 1-6, 14, 16-17, 36-39, 44, 47-48, 51-52 and 54 are allowed.

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6. Claims 10, 12, 41, 43, 45-46, 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Closest prior art does not disclose the detecting of an error in the picture header data of a frame rather to check the continuity count to detect error and therefore, Siracusa et al does not know for sure if errors occur in the picture data header; and again Siracusa does not wait until the next frame to transmit the redundant header but transmitting redundant MPEG sequence header at an interval of 5 to 30 second in combination with other limitations in claims 1, 14 and 17.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Acampora et al (US 5,168,356) discloses an apparatus for segmenting encoded video signal for transmission.

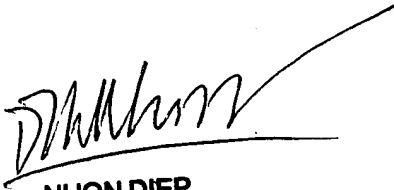
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
31 May 2004



NHON DIEP  
PRIMARY EXAMINER